



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,709	11/12/2003	David J. Burke		7599

7590

09/08/2004

Francis C. Hand, Esq.
c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07068

EXAMINER

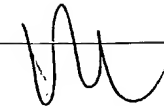
BARNEY, SETH E

ART UNIT	PAPER NUMBER
----------	--------------

3752

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/706,709	Applicant(s) BURKE, DAVID J. 	
	Examiner Seth Barney	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/12/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,645,222 to Chih.

Regarding claim 10, Chih discloses a spray gun having:

-a first housing (21) having a passage (22) for the flow of water

-a connector (Fig. 1) with an exterior thread (297)

-a second housing (29) secured to the first housing having a passage (291) in communication with the first housing passage.

-a spray head (26) rotatably mounted on the second housing and having a plurality of openings (261) for selective communication of the passage (see column 3 lines 10 to 11)

Regarding claim 11, Chih discloses a hollow plug area (not labeled, see Figure 1) between the connecting threads and the first housing.

Regarding claim 12, Chih discloses a spray-pattern dial (26) having more than three nozzles (261). Chih does not explicitly disclose that one nozzle is for a full stream, another is for a jet stream, and a third is for a mist spray. Chih implies through the use of the spray-pattern dial (26) that each nozzle represents

Art Unit: 3752

any type of spray mode desired. There are more than three nozzles diagrammed, therefore the three required modes of spray are satisfied by Chih.

Regarding claims 13-18, Chih discloses internal chambers (2611) to force water out of pores (264). See figure 9. These pores are arranged in concentric circles that are disposed throughout the spray head including the center and outer peripheral end.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,873,531 to Wang.

Regarding claim 1, Wang discloses a spray gun assembly having:

- a housing (Figure 1) in communication with a water inlet hose
- a passage (not labeled, see Figure 5B)
- a spray head (30) rotatably mounted on the housing
- the spray head having a plurality of openings (33) to spray different spray patterns.

While Wang does not directly disclose that the spray gun can be attached to a hose assembly having a riser, it is inherently capable of such an attachment. It would have been obvious to one having ordinary skill in the art to modify the

Art Unit: 3752

spray gun of Wang for use in combination with a sink hose and a riser because both spraying gardens and cleaning kitchenware require a variety of spray modes that can be manually actuated.

Regarding claim 6, Wang discloses a spray head having a port for selective communication (24, Fig 5B) with the passage, an internal chamber (not labeled, see Figure 5B), and a pair of concentric rings of outlets (32) in communication with the chamber.

Regarding claim 8, the disclosed concentric rings are peripherally disposed (32, Fig. 1)

Regarding claim 9, Wang discloses the spray gun having a locking pin (26) actuated by a spring (260) to lock the current position of the spray head. See column 3 lines 5 to 14.

5. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,873,531 to Wang as applied to claims 1, 6, 8, and 9 above, and in further view of U.S. Patent No. 6,164,566 to Hui-Chen.

Regarding claim 2, Wang discloses the spray head having more than 3 circumferentially spaced apart outlet holes (33) as can be seen in Figure 1. Wang discloses a variety of polygonal shapes (33) and sprinkling rings (32) as outlet spray modes. Wang does not disclose the size and shape of the holes such that a full stream of water, a jet stream of water, or a mist spray of water can be sprayed.

Hui-Chen discloses a water spray gun having an spray head with a variety of outlet sprays including full stream outlet, mist outlet hole, and jet stream (all

labeled 14). It would have been obvious to one having ordinary skill in the art to modify the spray gun of Wang with the spray head of Hui-Chen in order to enable commonly desirable spray modes for cleaning kitchenware.

Regarding claims 3, 4, and 7, the Hui-Chen discloses a spray head having a pair of concentric ring outlets (13) disposed centrally. As aforementioned, it would have been obvious to one having ordinary skill in the art to modify the spray gun of Wang with the spray head of Hui-Chen in order to enable commonly desirable spray modes for cleaning kitchenware.

Regarding claim 5, the spray head of Wang has two outer concentric rings (32) to discharge a spray pattern.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,645,222 to Chih as applied to claims 10-18 above, and in further view in view of U.S. Patent No. 5,873,531 to Wang.

Chih does not disclose a spray head having a spring biased detent in the second housing to retain the spray head in a selected position. Wang discloses the spray gun having a locking pin (26) actuated by a spring (260) to lock the current position of the spray head. See column 3 lines 5 to 14. It would have been obvious to one having ordinary skill in the art to modify the spray head of Chih with the locking pin of Wang in order to ensure the selected spray head remains in the selected position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is

Art Unit: 3752

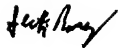
(703) 308-2603. The examiner can normally be reached on 8:30am-5:00pm
(Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney
Examiner
Art Unit 3752

SB



Gene Mancene
Supervisory Patent Examiner